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The Director
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This is in response to your letter of May 27, 1977, requesting a statement of my position in support of "criminal sanctions for the divulgence of information about the operations of intelligence agencies." Given the dangers of the world in which we live, it is imperative for the United States to maintain an effective intelligence service capable of providing the President and other policy-level officials of the government with all the information and analysis necessary to accurately assess the intent and prowess of present and potential foreign adversaries. To this end I, as Director of Central Intelligence, am charged by Section 102(d)(3) of the National Security Act of 1947 with the responsibility for protecting intelligence sources and methods from unauthorized disclosure. Unfortunately, no adequate statutory authority appears to exist by which to implement this responsibility.

At the present time, although activities classically identified as "spying" are covered by the provisions of the Espionage Act of 1917, 18 U.S.C. §§793 and 794, no clear authority exists as to other forms of unauthorized disclosure such as leaks to the media and publication of books, even where accomplished solely for personal gain or glorification. It is this omission in existing law which I feel should be the subject of serious study and discussion in terms of the need for additional legislation. I am certain you will agree that it is incongruous that the law should allow a government employee to freely divulge information gravely damaging to the national security while punishing with fines and prison terms the divulgence of various other types of information received in the course of official duties. For example, the following statutes impose criminal penalties ranging up to 10 years imprisonment and a $10,000 fine, as well as the loss of office in some cases, for the misuse or disclosure of information which, while of an important and confidential nature,